

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes amendments to FIGS. 1, 2A and 2B, which have been amended to incorporate the legend "Prior Art". This sheet, which includes FIGS. 1, 2A and 2B, replaces the original sheet including FIGS. 1, 2A and 2B. A marked copy of amended FIGS. 1, 2A and 2B is also enclosed.

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

REMARKS

The specification has been amended to correct minor clerical errors. No new matter has been entered.

The drawings have been amended as required by the Examiner.

The claims have been rewritten to address the 112 rejection, and to better define the invention over the prior art.

The rejection of the claims as anticipated by or obvious from Sato et al. is respectfully traversed. Independent claim 6 clarifies that the first process gas has a mixture ratio in the range of 100:1 or more, while the second process gas has a mixture ratio different from the first mixture ratio and in the range of 100:1 or less.

In rejecting the claims as anticipated by Sato et al., the Examiner acknowledges that Sato et al. "does not teach specifically to use a ratio of 100:1 or less in the second deposition ratio". As the Examiner is well aware, anticipation under 35 USC §102 requires that the invention as claimed be found on all fours within a single reference. Needless to say, by the Examiner's own admissions, Sato et al. cannot be said to anticipate Applicant's claims.

Nor can Applicant's claims be said to be obvious from Sato et al. In rejecting the claims as obvious, the Examiner states, on page 4, second paragraph of the Action,

"The thickness at the upper region will inherently be larger than that of the side regions and lower region because as the trench fills with the nitride film it becomes narrower and will become more difficult for the nitride to diffuse into the trench and deposit on the sides and lower region than it will be to deposit on the upper region. As well, the side and lower regions are limited by the size of the trench and therefore can only grow to a limited thickness while the upper region has no bounds on the thickness of the layer therefore for long enough deposition times the upper surface will always be thicker than the sides and lower regions."

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567



The Examiner's statement is without support in the applied art. In fact, if anything, Sato et al. shows the same thickness at the upper and lower regions. If the Examiner has personal knowledge to the contrary, he has failed to file the necessary affidavit of personal knowledge to support his statement, as required by the MPEP. Accordingly, and in the absence of any teaching in the prior art, it is submitted that Applicant's claims are novel and patentable over the art.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,

Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
April 11, 2006, at Tucson, Arizona.

BY

NPS:sm

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567



Serial No. 10/529,535

Docket No. JO 01915

Filed: March 29, 2005

Replacement FIGS. 1, 2A and 2B

Filed with Amendment A



Serial No. 10/529,535

Docket No. JO 01915

Filed: March 29, 2005

Annotated Marked-Up FIGS. 1, 2A and 2B

Filed with Amendment A



1/6

Fig 1

PRIOR ART

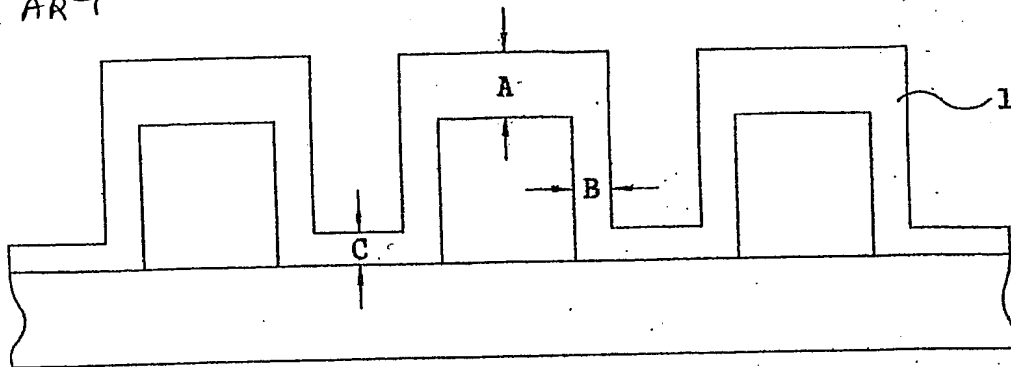


Fig 2A

PRIOR ART

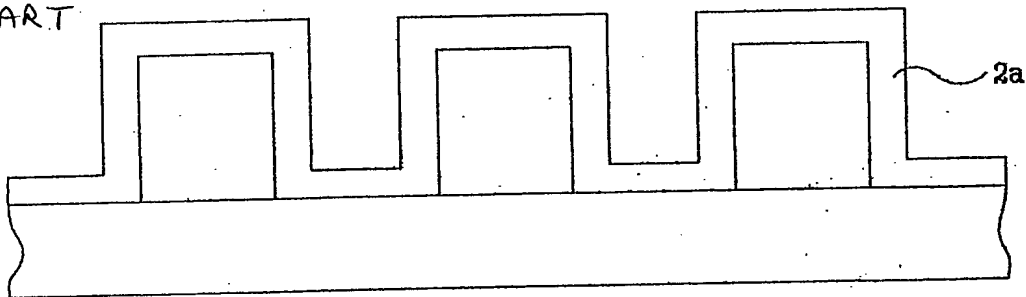


Fig 2B

PRIOR ART

